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EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW

New Delhi, the 30th December, 1955

THE REPRESENTATION OF THE PEOPLE (AMEND-
MENT) ORDINANCE, 1955

No. 7 OF 1955

Promulgated by the President in the Sixth Year of the Republic
of India.

An Ordinance further to amend the Representation of the People
Act, 1950, and to make certain consequential amendments in
the Government of Part C States Act, 1951.

WHEREAS a Bill further to amend the Representation of the People
Act, 1950, and to make certain consequential amendments in the
Government of Part C States Act, 1951 is pending in the House of the
People after having been reported by a Select Committee to which it
was referred after its introduction in that House;

AND WHEREAS Parliament is not in session and the President is
satisfied that circumstances exist which render it necessary for him
to take immediate action to give effect to some of the amendments
proposed in the Bill as so reported;

Now, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to promul-
gate the following Ordinance:—

1. (1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 1955.

Short title
and com-
mencement.

(2) It shall come into force on the 1st day of January, 1956.

Act XLIII of 1950 and Act XLIX of 1951 to be temporarily amended. 2. During the period of operation of this Ordinance the Representation of the People Act, 1950 shall have effect subject to the amendments specified in sections 3 to 14 and the Government of Part C States Act, 1951 shall have effect subject to the amendments specified in section 15.

Amendment of section 2. 3. In section 2 of the Representation of the People Act, 1950 (hereafter in this Ordinance referred to as the principal Act), in sub-section (1),—

(a) in clause (b), for the words and figure "by order made under section 9", the words "by law" shall be substituted; and

(b) in clause (f), for the words and figure "by section 6 or by order made thereunder", the words "by law" shall be substituted.

Omission of sections 5 and 8. 4. Sections 5 and 8 of the principal Act shall be omitted.

Insertion of new Part II-A. 5. After Part II of the principal Act, the following Part shall be inserted, namely:—

"Part II-A

ELECTORAL ROLLS FOR PARLIAMENTARY CONSTITUENCIES

Electoral rolls for parliamentary constituencies. 13A. The electoral roll for every parliamentary constituency shall consist of the electoral rolls of so much of the assembly constituencies or, as the case may be, council of states constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare separately the electoral roll for any parliamentary constituency."

Substitution of new heading for the heading of Part III. 6. In Part III of the principal Act, for the heading, the following heading shall be substituted, namely:—

"ELECTORAL ROLLS FOR ASSEMBLY AND COUNCIL OF STATES CONSTITUENCIES".

Substitution of new section for section 14. 7. For section 14 of the principal Act, the following section shall be substituted, namely:—

Definition. "14. In this Part, unless the context otherwise requires, 'constituency' means an assembly constituency or a council of states constituency."

Substitution of new section for section 19. 8. For section 19 of the principal Act, the following section shall be substituted, namely:—

Conditions of Registration. "19. Subject to the foregoing provisions of this Part, every person who, on the qualifying date—

(a) is not less than 21 years of age, and

(b) is ordinarily resident in a constituency,
shall be entitled to be registered in the electoral roll for that
constituency.”.

9. In section 20 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment
of section
20.

“(3) A member of the armed forces of the Union shall be
deemed to be ordinarily resident on any date in the constituency
in which, but for his service in the armed forces, he would have
been ordinarily resident on that date.”.

10. In part IV of the principal Act, for the heading the following heading shall be substituted, namely:—

Substitution
of new head-
ing for the
heading of
Part IV.

“ELECTORAL ROLLS FOR COUNCIL CONSTITUENCIES”.

11. Section 26 of the principal Act shall be omitted.

Omission of
section 26.

12. In section 27 of the principal Act,—

Amendment
of section 27.

(a) for sub-section (2), the following sub-section shall be
substituted, namely:—

“(2) For the purpose of elections to the Legislative
Council of a State in any local authorities’ constituency—

(a) the electorate shall consist of members of such
local authorities exercising jurisdiction in any place or
area within the limits of that constituency as are speci-
fied in relation to that State in the Fourth Schedule;

(b) every member of each such local authority
within a local authorities’ constituency shall be entitled
to be registered in the electoral roll for that constituency;

(c) the electoral registration officer for every local
authorities’ constituency shall maintain in his office in
the prescribed manner and form the electoral roll for
that constituency corrected up-to-date;

(d) in order to enable the electoral registration
officer to maintain the electoral roll corrected up-to-date
the chief executive officer of every local authority (by
whatever designation such officer may be known) shall
immediately inform the electoral registration officer
about every change in the membership of that local
authority; and the electoral registration officer shall, on
receipt of the information, strike off from the electoral
roll the names of persons who have ceased to be, and

include therein the names of persons who have become members of that local authority; and

(e) the provisions of sections 15, 16, 18, 22, and 25 shall apply in relation to local authorities' constituencies as they apply in relation to assembly constituencies.”;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The provisions of sections 15, 16, 18, 22, 23 and 25 shall apply in relation to graduates' constituencies and teachers' constituencies as they apply in relation to assembly constituencies.”;

(c)* in sub-section (5), clause (a) shall be omitted, and clauses (b) and (c) shall be re-lettered respectively as clauses (a) and (b);

(d) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) For the purposes of sub-sections (4) and (5) the qualifying date shall be the 1st day of January of the year in which the electoral roll is prepared; and the roll so prepared shall come into force immediately upon its final publication in accordance with the rules made under this Act.”.

Omission of section 27F.

13. Section 27F of the principal Act shall be omitted.

Amendment of the fourth Schedule.

14. In the Fourth Schedule to the principal Act, under the heading “Madras”, in item 4, for the words “Major Panchayats”, the words and figure “Class I Panchayats” shall be substituted.

Consequential amendments in Act XLIX of 1951.

15. In the Government of Part C States Act, 1951,—

- (a) in section 2, in sub-section (1), in clause (b), for the words, brackets and figures “by order made under sub-section (2) of section 4”, the words “by law” shall be substituted;
- (b) in section 4, sub-section (1) shall be omitted; and
- (c) section 6 shall be omitted.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.